

SUMMONS AND COMPLAINT

STATE OF ALABAMA     X

BALDWIN COUNTY     X

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons GRADY EUGENE ALLEN and HOUSTON ALLEN to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of Mrs. Thomas F. Carlton.

Witness my hand, this 13<sup>th</sup> day of March, 1953.

W. J. H. H. H. H. H.  
Clerk

MRS. THOMAS F. CARLTON,  
Plaintiff,

VS.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

X  
X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO.

1943

COUNT ONE:       The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages for that heretofore, on, to-wit: November 1, 1952, Thomas F. Carlton was operating a jeep automobile owned by the Plaintiff along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately 850 feet South of Ham Hall's house in Baldwin County, Alabama, and that at said time and place the Defendant acting by and through Grady Eugene Allen, his agent, servant, or employee who was then and there acting within the line and scope of his employment negligently drove an automobile into or against said jeep automobile of the Plaintiff and as a proximate result of the said negligence of Defendant, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment, the said Plaintiff suffered the following damages: the body of her jeep automobile was bent and broken; that the frame of her jeep automobile was bent and broken; that the cross-member thereof was bent and broken; that her left springhinge was damaged; that her front windshield was broken; the radiator was bent and broken; the gas tank was bent and broken; the left front seat was bent and broken; her jeep automobile was otherwise damaged; the price of her jeep automobile was seriously deminished; that at the time the Plaintiff was using said automobile in connection with her business,

and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of her jeep automobile for, to-wit: thirty days; all to the damage of the Plaintiff as aforesaid.

COUNT TWO: The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages, for that heretofore, on, to-wit, November

1, 1952, the Plaintiff's jeep automobile was being lawfully driven along a public place where it had a right to be Highway, to-wit, Alabama Highway Numbered 59, in Baldwin County, Alabama, about three miles North of the Town of Bay Minette, Baldwin County, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his authority negligently did run an automobile into, upon or against the Plaintiff's jeep automobile; as a direct, proximate consequence and result thereof the Plaintiff's jeep automobile was damaged and demolished all to the loss of the Plaintiff in the amount aforesaid.

COUNT THREE: The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages for that heretofore on, to-wit: November 1, 1952,

the Plaintiff's jeep automobile was being lawfully driven along and upon the public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Baldwin County, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment did wantonly damage the Plaintiff's jeep automobile by wantonly running the automobile he was driving into the Plaintiff's jeep automobile and as a direct and proximate consequence and result of said wanton act the Plaintiff's jeep automobile was wantonly damaged in the amount aforesaid.

WILTERS & BRANTLEY

By:

*Robert M Brantley*  
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

By:

*Robert M Brantley*  
Attorneys for Plaintiff

Verdict March 24 19 53  
by service of copy of within Summons and  
Complaint on

Houston Allen

Taylor Wilkins Sheriff  
by W. H. Holcombe Deputy Sheriff

CD 547  
RECORDED 460  
SUMMONS AND COMPLAINT  
ORIGINAL  
MRS. THOMAS F. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW  
CASE NO. \_\_\_\_\_

RECEIVED  
MAR 19 1953  
MOBILE COUNTY, ALA.

FILED  
3-13-53

ALICE L. DUCK, Clerk

Received in Sheriff's Office  
this 14 day of March 19 53  
TAYLOR WILKINS, Sheriff

Received 14th Day of March 1953  
and on 14 Day of March 1953  
I served a copy of the within  
on Grady Eugene Allen  
by service on Allen  
W. H. HOLCOMBE, Sheriff  
By W. H. Holcombe D.A.  
MOBILE COUNTY, ALA.

AMENDED COMPLAINT

THOMAS F. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

X  
X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW  
CASE NO. \_\_\_\_\_.

Comes now the Plaintiff in the above styled cause and amends his Complaint to read as follows:

COUNT ONE:       The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages for that heretofore on, to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama, that at said time and place the Defendant, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment negligently operated his automobile as to cause it to run into or against the jeep automobile the Plaintiff was driving and as a proximate result of said negligence the Plaintiff was injured as follows: his ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; he was permanently injured; he was caused to lose time from his work; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

COUNT TWO:       The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS, as damages for that heretofore, to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama; that at said time and place the Defendant, acting by and through Grady Eugene Allen, his agent, or employee who was acting within the line and scope of his employment so negligently operated an automobile which he was driving along said Highway at said time and place so as to cause it to run into or collide with the said automobile the Plaintiff was

driving and as a proximate result of said negligence of the agent, servant or employee of the Defendant, while acting within the line and scope of his employment, the Plaintiff was injured as follows: his ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; he was permanently injured; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

COUNT THREE: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS ad damages, for that heretofore, on, to-wit: November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment negligently did run the automobile he was driving into the jeep the Plaintiff was driving and as a direct proximate consequence and result of said negligence the Plaintiff was injured, his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries, all to the loss of the Plaintiff in the aforesaid amount.

COUNT FOUR: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages, for that heretofore, on, to-wit: November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment negligently did wantonly run the automobile he was driving into the jeep the Plaintiff was driving, and as a direct proximate consequence and result of said wanton act the Plaintiff was wantonly injured,

his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries all to the loss of the Plaintiff in the aforesaid amount.

Albert M B Randle  
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

Attorney for the Plaintiff

1943

AMENDED COMPLAINT

THOMAS P. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

-----  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. \_\_\_\_\_  
-----

FILED

3-13-53-

ALICE L. DUCK, Clerk

RECORDED

AMENDED COMPLAINT

MRS. THOMAS F. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN, a minor,  
AND HOUSTON ALLEN,

Defendants.

§

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. \_\_\_\_\_

Comes now the Plaintiff in the above styled cause and amends her complaint to read as follows:

COUNT ONE:           The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages for that heretofore, on, to-wit: November 1, 1952, Thomas F. Carlton was operating a jeep automobile owned by the Plaintiff along Highway No. 59, a public highway in Baldwin County, Alabama, about three miles north of the Town of Bay Minette, Baldwin County, Alabama, and that at said time and place the Defendant, Houston Allen, acting by and through Grady Eugene Allen who is the same person as Grady Eugene Allen, one of the Defendants in this suit, his agent, servant or employee who was then and there acting within the line and scope of his employment as such, negligently drove an automobile in- to or against the jeep automobile of the Plaintiff and as a proximate result of the said negligence of Defendant, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment, the said Plaintiff suffered the following damages: the body of her jeep automobile was bent and broken; that the frame of her jeep automobile was bent and broken; that the cross-member thereof was bent and broken; that her left spring hinge was damaged; that her front windshield was broken; the radiator was bent and broken; the gas tank was bent and broken; the left front seat was bent and broken; her jeep automobile was otherwise damaged; the price of her jeep automobile was seriously diminished; that at the time the Plaintiff was using said automobile in connection with her business, and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of her jeep automobile for, to-wit: thirty days; all to the damage of the Plaintiff as aforesaid.



COUNT TWO:           The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages, for that heretofore, on, to-wit, November 1, 1952, the Plaintiff's jeep automobile was being lawfully driven along a public highway, a place where it had a right to be, to-wit, Alabama Highway Numbered 59, in Baldwin County, Alabama, about three miles North of the Town of Bay Minette, Baldwin County, Alabama, and that then and there Grady Eugene Allen who is the same person as Grady Eugene Allen, one of the Defendants in this suit, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his authority, as such, negligently did run an automobile into, upon or against the Plaintiff's jeep automobile; as a direct, proximate consequence and result thereof the Plaintiff's jeep automobile was negligently damages and demolished all to the loss of the Plaintiff in the amount aforesaid.

COUNT THREE:           The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages for that heretofore on, to-wit: November 1, 1952, the Plaintiff's jeep automobile was being lawfully driven along and upon the public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Baldwin County, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment as such, did wantonly damage the Plaintiff's jeep automobile by wantonly running the automobile he was driving into the Plaintiff's jeep automobile and as a direct and proximate consequence and result of said wanton act the Plaintiff's jeep automobile was wantonly damaged in the amount aforesaid.

COUNT FOUR:           The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages for that heretofore on, to-wit: November 1, 1952, the Plaintiff's jeep automobile was being lawfully driven along and upon the Public highway in Baldwin County, Alabama, a place where it had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Baldwin County, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment as such did wantonly damage the Plaintiff's jeep automobile by wantonly running the automobile he was driving into the Plaintiff's jeep automobile and as a direct and proximate consequence and result of said wanton act of Plaintiff's jeep automobile was wantonly damaged in the amount

aforesaid. The Plaintiff further avers that the Defendant, Houston Allen, was riding in the automobile with his agent, servant or employee, Grady Eugene Allen, at the time of the aforesaid wreck.

WILTERS & BRANTLEY

By:

Albert M Brantley  
Attorneys for Plaintiff

RECORDED

AMENDED COMPLAINT

MRS. THOMAS F. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN, a minor,  
AND HOUSTON ALLEN,

Defendants.

-----

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1943.

FILED

11-16-53

ALICE J. DUCK, Clerk

MRS. THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,  
and HOUSTON ALLEN,

Defendants.

I

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

PLEA IN SHORT BY CONSENT

Come the Defendants and for answer to the Complaint as last amended in this cause and to each and every count thereof, spearately and severally, plead in short by consent the general issue, with leave to give in evidence any matter which if well pleaded, would be admissible in defense of the action, to have effect as if so pleaded; and with leave to the Plaintiff to give in evidence any matter, which if well pleaded, would be admissible in reply to such defensive matter, to have effect as if so pleaded.

  
Attorneys for Defendants.

1943  
RECORDED

P L E A

MRS. THOMAS F. CARLTON,  
Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,  
and HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.

Filed: April 29<sup>th</sup> 1953.

Archie K. Knecht  
Clerk.

MRS. THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

¶

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and each and every count thereof and assign the following separate and several grounds:

1. That said Complaint does not state a cause of action.
2. That the allegation in the Complaint that the jeep automobile which was being operated along highway #59, a public highway in Baldwin County, Alabama, at approximately 850 feet South of Ham Hall's house in Baldwin County, Alabama, is too vague and uncertain.
3. That Count One of said Complaint does not sufficiently set out the place where the accident occurred.
4. That Count One of said Complaint does not allege which Defendant was acting by and through Grady Eugene Allen.
5. That the allegation that the Defendant was acting by and through Grady Eugene Allen does not allege that the said Grady Eugene Allen was the same person as one of the Defendants in this case.
6. That the allegation that the Defendant was acting through an agent, who was acting within the line and scope of his employment, does not allege that it was within the line and scope of his employment as such agent, servant or employee.
7. That Count One of said Complaint does not allege that the Defendants negligently injured the Plaintiff.
8. That the allegation that the Plaintiff was using said automobile in connection with her business does not allege what business the said automobile was used in.

9. That Count One of said Complaint in which it is alleged that the Plaintiff used due diligence in getting her jeep automobile repaired, is but the conclusion of the pleader.

10. That the allegation in Count Two of the Complaint that the Plaintiff's jeep automobile was being lawfully driven along the public highway is but a conclusion of the pleader.

11. That it is not alleged in Count Two that the Grady Eugene Allen mentioned therein is one and the same person as one of the Defendants in this cause of action.

12. That Count Two of said Complaint does not allege that the Defendants negligently injured the Plaintiff.

13. That the allegation in Count Three of the Complaint that the Defendant Grady Eugene Allen, while acting within the line and scope of his employment does not allege that he was acting within the line and scope of his employment as such agent, servant or employee.

14. That the allegation that the Defendant, Grady Eugene Allen did wantonly damage the Plaintiff's jeep automobile is but a conclusion of the pleader.

15. That there is a misjoinder of parties defendant in regard to wanton negligence as set out in Count Four.

CHASON AND STONE

BY:   
Attorneys for Defendants.

1943

RECORDED

D E M U R R E R

MRS. THOMAS F. CARLTON,  
Plaintiff,

vs.

GRADY EUGENE ALLEN and  
HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: April 9<sup>th</sup> 1953

Asst. Clerk  
Clerk.



THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,  
AND HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW

CASE NO. 1910

Come the Defendants in the above styled cause, acting by and through their Attorneys of Record, Chason & Stone, and show unto this Court and unto your Honor as follows:

That the Defendant, Grady Eugene Allen, is a minor and is now in Military Service of the United States of America and therefore unable to properly defend this cause of action and in his absence the Defendant, Houston Allen, is unable to properly ~~to~~ defend such cause of action.

WHEREFORE, the Defendants pray that this cause of action will be continued until the said Grady Eugene Allen is released from the Military Service of the United States of America or allowed sufficient time from such service in which to properly defend such cause of action.

  
Attorneys for Defendants.

RECORDED  
1953

SUGGESTION ~~FOR~~ MILITARY SERVICE

THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,  
AND HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1910

Filed the 16<sup>th</sup> of July, 1953.

Alice H. Hensley  
Clerk